

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

SIX SIS AG,

Defendant.

Adv. Pro. No. 12-01195 (SMB)

**DECLARATION OF ERIN E. VALENTINE IN SUPPORT OF DEFENDANT'S  
MOTION TO DISMISS THE AMENDED COMPLAINT**

I, ERIN E. VALENTINE, hereby declare under penalty of perjury as follows:

1. I am a member of the bar of this Court and Counsel at Chaffetz Lindsey LLP, attorneys for Defendant SIX SIS AG ("Defendant"). I respectfully submit this Declaration in support of Defendant's motion to dismiss the Amended Complaint filed by plaintiff Irving H.

Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC in this adversary proceeding.

2. Attached hereto as Exhibit 1 is a true and correct copy of the opinion by the UK Privy Council in *Fairfield Sentry Ltd. v. Migani*, [2014] UKPC 9, available at <https://www.jcpc.uk/cases/docs/jcpc-2012-0061-judgment.pdf> (last visited July 6, 2022).

3. Attached hereto as Exhibit 2 is a true and correct copy of the Swiss Financial Markets Infrastructure Act (“FMIA”), available at <https://www.fedlex.admin.ch/eli/cc/2015/853/en> (last visited July 6, 2022), translated thereof.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 8, 2022 New  
York, New York

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/s/ Erin E. Valentine  
Erin E. Valentine